

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S	)	
PETITION FOR CONFIDENTIAL TREATMENT	)	CASE NO. 97-240
OF DATA SUBMITTED IN SUPPORT OF	)	
DISASTER REDIRECT <sup>SM</sup> SERVICE	)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("CBT") filed May 5, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection filed in support of DISASTER Redirect<sup>SM</sup> Service on the grounds that disclosure of the information is likely to cause CBT competitive injury, and it appearing to this Commission as follows:

CBT has proposed to introduce a new service called DISASTER Redirect<sup>SM</sup> Service. In support of the new service, CBT has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of CBT and is known only to those CBT's employees who have a legitimate need to know and to act upon the information. CBT's policy is to preserve the confidentiality of such data through all appropriate means, including the maintenance of proper security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that

subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The technology to offer DISASTER Redirect<sup>SM</sup> Service is currently available to CBT competitors, many of whom are seeking to enter the local exchange market. Disclosure of the information sought to be protected could be used by these competitors to plan market entry strategies to the detriment of CBT. Therefore, the information is likely to cause CBT competitive injury and the information should be protected as confidential.

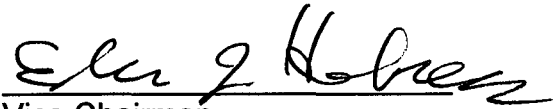
This Commission being otherwise sufficiently advised,

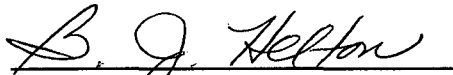
IT IS ORDERED that the cost information filed in support of CBT's proposed DISASTER Redirect<sup>SM</sup> Service, which CBT has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 22nd day of May, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director